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PREPARATORY COMMISSION FOR THE
INTERNATIONAL SEABED AUTHORITY
AND FOR THE INTERNATIONAL
TRIBUNAL FOR THE LAW OF THE SEA
New York, 1-12 August 1994

DRAFT BUDGET FOR THE FIRST FINANCIAL PERIOD OF THE INTERNATIONAL SEABED AUTHORITY

Prepared by the Secretariat

I. INTRODUCTION

Mandate

1. At the conclusion of its twelfth session, held at Kingston, Jamaica, from 7 to 11 February 1994, the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea "agreed that the Secretariat would prepare for the next meeting of the Preparatory Commission the draft budget for the first financial period of the Authority, which would be based on the background paper LOS/PCN/WP.51 and would take into account statements made during the consideration of this item" (LOS/PCN/L.114/Rev.1, para. 32). The present paper has been prepared pursuant to the above decision of the Preparatory Commission.

Background: deliberations in the Preparatory Commission

2. The background paper LOS/PCN/WP.51 referred to above was prepared in 1990 in response to a request by the Preparatory Commission, and was entitled "Administrative arrangements, structure and financial implications of the International Seabed Authority". It dealt with the administrative expenses of the Authority in its first year of operation (assumed) during the full functional phase. The administrative expenses were composed of (i) conference servicing expenses; and (ii) expenses of the Secretariat of the Authority.

3. By resolution I of the Third United Nations Conference on the Law of the Sea, the Preparatory Commission was charged, inter alia, with "mak[ing] recommendations concerning the budget for the first financial period of the

Authority" (para. 5 (c)). It was also charged with "mak[ing] recommendations concerning the Secretariat of the Authority in accordance with relevant provisions of the Convention" (para. 5 (e)). The two matters are interrelated and have been dealt with likewise in the above-mentioned background paper LOS/PCN/WP.51.

4. On the basis of that background paper, the Preparatory Commission held deliberations on the two interrelated matters during the 1990 summer meeting (see LOS/PCN/L.87, para. 33), the ninth session (see LOS/PCN/L.92, paras. 15-21), the 1991 summer meeting (see LOS/PCN/L.97, paras. 11-19) and the twelfth session (see LOS/PCN/L.114/Rev.1, paras. 26-32).

5. It may be recalled that the central issue was the size of the Secretariat of the Authority. In the background paper, it was estimated that 50 staff consisting of 20 at the Professional level and above and 30 at the General Service level would be required for the first year of operation during the functional phase of the Authority. In view of the fact that these staffing requirements were neither accepted nor rejected and in the absence of any formal guidelines regarding staffing requirements, the present paper retains the same estimates.

Background: deliberations in connection with the Agreement relating to the implementation of Part XI of the Convention

6. Meanwhile, a number of significant developments occurred which have a direct bearing on the treatment of these two matters. With the acknowledgement that there were problems with some aspects of the deep seabed mining provisions of the Convention which had prevented some States, including certain major industrialized States, from ratifying or acceding to the Convention, the Secretary-General initiated informal consultations among Member States in July 1990, which continued until June 1994, with the fundamental objective of promoting universal participation in the Convention. 1/ One of the nine issues that had been identified as areas of difficulty was costs to States Parties. One of the major components of costs to States Parties is the administrative expenses of the Authority.

7. On 16 November 1993, the Convention on the Law of the Sea received its sixtieth instrument of ratification or accession, which meant that, in accordance with its terms (article 308), it will enter into force on 16 November 1994. The General Assembly invited all States to participate in the consultations and to increase efforts to achieve universal participation in the Convention as early as possible. 2/ The imminent entry into force of the Convention introduced a sense of urgency in the consultations.

8. In the last round, held from 31 May to 3 June 1994, the consultations succeeded in arriving at generally agreed conclusions on the outstanding issues. A draft agreement was worked out, entitled the "Draft Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1992" (hereinafter referred to as "the Agreement"), to which the generally agreed conclusions on the outstanding issues were annexed. Section 1 of the annex to the Agreement addresses the issue of "Costs to States Parties and institutional arrangements". A draft resolution relating to the Agreement

was also prepared, to which the text of the Agreement was annexed. States participating in the consultations expressed a wish to convene a resumed forty-eighth session of the General Assembly of the United Nations from 27 to 29 July 1994, to adopt the resolution. They further decided that, after the adoption of the resolution, the Agreement should be immediately opened for signature.

9. Accordingly, a resumed forty-eighth session will be held from 27 to 29 July 1994 to consider, inter alia, the draft resolution. 3/ It is expected that the resolution, along with the Agreement annexed to it, would be adopted and the Agreement opened for signature.

10. In accordance with rule 153 of the rules of procedure of the General Assembly, the Secretary-General submitted a statement (A/C.5/48/80) on the programme budget implications of the draft resolution for the United Nations as a result of operative paragraph 8 of the draft resolution, which reads as follows:

> "[The General Assembly]
>
> "Decides to fund the administrative expenses of the International Seabed Authority in accordance with section 1, paragraph 14, of the annex to the Agreement".

Section 1, paragraph 14, of the annex to the Agreement reads as follows:

> "The Authority shall have its own budget. Until the end of the year following the year during which this Agreement enters into force, the administrative expenses of the Authority shall be met through the budget of the United Nations. Thereafter, the administrative expenses of the Authority shall be met by assessed contributions of its members, including any members on a provisional basis, in accordance with articles 171, subparagraph (a), and 173 of the Convention and this Agreement, until the Authority has sufficient funds from other sources to meet those expenses. The Authority shall not exercise the power referred to in article 171, paragraph 1, of the Convention to borrow funds to finance its administrative budget."

With regard to the entry into force of the Agreement, article 6, paragraph 1, of the Agreement states:

> "This Agreement shall enter into force 30 days after the date on which 40 States have established their consent to be bound in accordance with articles 4 and 5, provided that such States include at least seven of the States referred to in paragraph 1 (a) of resolution II of the Third United Nations Conference on the Law of the Sea (hereinafter referred to as "resolution II") and that at least five of those States are developed States. If these conditions for entry into force are fulfilled before 16 November 1994, this Agreement shall enter into force on 16 November 1994."

According to article 7, paragraph 1, of the Agreement, "If on 16 November 1994 this Agreement has not entered into force, it shall be applied provisionally pending its entry into force ...". Paragraph 3 of the same article adds:

> "Provisional application [of this Agreement] shall terminate upon the date of entry into force of this Agreement. In any event, provisional application shall terminate on 16 November 1998 if at that date the requirement in article 6, paragraph 1, of consent to be bound by this Agreement by at least seven of the States (of which at least five must be developed States) referred to in paragraph 1 (a) of resolution II has not been fulfilled."

11. The above-quoted provisions of the Agreement mean that the administrative expenses of the Authority would be met through the budget of the United Nations until the end of 1995, at the minimum, assuming that the Agreement enters into force by 31 December 1994, or until the end of 1999, at the maximum, assuming that the Agreement enters into force by 16 November 1998. In the above-mentioned statement of the Secretary-General on programme budget implications of the draft resolution, it was assumed that the Agreement would enter into force in 1994, and thus, the statement addressed programme budget implications until the end of 1995, and included, inter alia, estimates of the administrative expenses of the Authority until the end of 1995.

12. According to article 172 of the Convention, the Secretary-General of the Authority shall draft the proposed annual budget of the Authority and submit it to the Council; the Council shall consider the proposed annual budget and submit it to the Assembly of the Authority, together with any recommendations thereon; the Assembly of the Authority shall consider and approve the proposed annual budget. In accordance with section 9, paragraph 7, of the annex to the Agreement, decisions by the Assembly of the Authority and the Council on, inter alia, all relevant financial matters, including the proposed annual budget prepared by the Secretary-General of the Authority, shall take into account recommendations of the Finance Committee.

13. In the event that the Agreement does not enter into force in 1994, but does so in 1995 or 1996 or 1997 or 1998, the administrative expenses of the Authority for 1996 and relevant subsequent years would have to be met from the budget of the United Nations. If this were to happen, the Secretary-General of the Authority would prepare the annual budgets for 1996 and relevant subsequent years for review by the Finance Committee, the Council and the Assembly of the Authority, but the administrative expenses of the Authority would still be met through the regular budget of the United Nations. In that case the proposed annual budget of the Authority for 1996 and, possibly, future years would also be submitted to the General Assembly for decision, and would have to go through the established budgetary process of the United Nations, i.e., review by the Advisory Committee on Administrative and Budgetary Questions and the Fifth Committee before consideration by the General Assembly.

14. The statement of the Secretary-General on programme budget implications of the draft resolution provided, for indicative purposes, tentative estimates of the administrative expenses of the Authority including conference-servicing costs in 1996, in the event that they would have to be met from the 1996-1997

budget of the United Nations. It should be noted that these estimates are tentative and do not prejudge the budget that may be submitted would have to be endorsed by the Secretary-General of the Authority and reviewed by the Finance Committee, the Council and the Assembly of the Authority.

15. Since the matter addressed in section 1, paragraph 14, of the annex to the Agreement and the draft budget for the first financial period of the Authority are related, the Secretariat adopted a consistent approach in preparing the statement on the programme budget implications of the draft resolution and the present paper.

16. With regard to the first financial period of the Authority, a distinction has been made between the period 16 November 1994-31 December 1995 and the calendar year 1996. The former is referred to as the "start-up period" and the latter as the "first year in the full functional phase". This distinction is explained in part III below (paras. 40-43). In any case, both the statement on the programme budget implications of the draft resolution and the present paper provide identical estimates of the requirements for the administrative expenses of the Authority for the period 16 November 1994-31 December 1995 and for the calendar year 1996.

17. The Advisory Committee on Administrative and Budgetary Questions considered the statement of the Secretary-General and submitted its report (A/48/7/Add.16) to the Fifth Committee.

18. In paragraph 4 of its report, the Advisory Committee recalled Article 17, paragraphs 1 and 2 of the Charter of the United Nations, which provide that "the General Assembly shall consider and approve the budget of the Organization" and that "the expenses of the Organization shall be borne by the Members as apportioned by the General Assembly". The Advisory Committee pointed out that the provisions of section 1, paragraph 14, of the annex to the Agreement must be implemented in accordance with the requirements of Article 17 of the Charter.

19. In its report, the Advisory Committee recommended to the Fifth Committee that the latter inform the General Assembly that, should the General Assembly adopt the draft resolution, an additional appropriation of an amount, as estimated by the Secretary-General in his statement (same as the estimate of the administrative expenses of the Authority until the end of 1995), would be required under the programme budget for the biennium 1994-1995. That amount would be offset by a reduction of a certain amount, as a result of the cessation of the Preparatory Commission-related activities and the closing down of the operation of the Kingston Office for the Law of the Sea. The Advisory Committee added that the net additional appropriation would be subject to the provisions for the use and operation of the contingency fund. (Under the procedure established by the General Assembly in its resolution 41/213 of 19 December 1986, a contingency fund is established for each biennium to accommodate additional expenditures derived from legislative mandates not provided for in the proposed programme budget.)

20. Assuming that the Agreement does not enter into force until 16 November 1998, the Advisory Committee also included in its report the maximum amount that might be paid by the United Nations until the end of 1999, based on

assumptions made for the estimates provided by the Secretary-General of the administrative expenses of the Authority until the end of 1999. The Advisory Committee added that such estimates of the amounts to be paid by the United Nations in respect of future years as might actually be required would be considered by the General Assembly on the basis of a further report by the Secretary-General; at that time, the Advisory Committee would also make recommendations on the procedure to be followed in implementing section 1, paragraph 14, of the annex to the Agreement, including the application of procedures for the use and operation of the contingency fund.

21. The statement of the Secretary-General and the report of the Advisory Committee were then considered by the Fifth Committee. In its decision on the programme budget for 1994-1995 relating to the law of the sea, (A/C.5/48/L.74) the Fifth Committee included the amount of net additional appropriation which may be required for the biennium 1994-1995. Assuming that the Agreement does not enter into force until 16 November 1998, it also included the maximum amount that might be paid by the United Nations until the end of 1999.

22. The Fifth Committee added that it intended to revert to the matter at the forty-ninth session of the General Assembly in the light of a review of the work programme of the Authority that gave rise to the above estimates by the relevant intergovernmental body (i.e., the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea) and a further report by the Advisory Committee, including in particular on the issue of budgetary procedure addressed by the Advisory Committee in paragraph 4 of its report.

23. Besides addressing the matters mentioned above, the present paper reproduces the estimates of staffing requirements of the Secretariat of the Authority as contained in the background paper LOS/PCN/WP.51 and provides estimates of other objects of expenditure based on that paper, taking into account statements made at the twelfth session of the Preparatory Commission.

II. POWERS AND FUNCTIONS OF THE AUTHORITY

24. The Authority commences functioning on 16 November 1994, the date of the entry into force of the Convention. Although the work programme of the Authority in the initial period is unspecified and unquantified, the powers and functions of the Authority as specified in the Convention and in the Agreement, and the deliberations in the Preparatory Commission and in the Secretary-General's consultations provide a certain basis on which to formulate an indicative and provisional work programme of the Authority for the initial period. It should be added that as the Authority commences functioning and deliberations are carried out, a more specific and detailed work programme is expected to emerge.

Nature of the Authority

25. The Authority is the organization through which States Parties to the Convention shall, in accordance with the regime for the Area established in Part XI of the Convention and the Agreement, organize and control activities in

the Area, particularly with a view to administering the resources of the Area (refer to article 157 (1) of the Convention and section 1, paragraph 1, of the annex to the Agreement). Activities in the Area are defined as all activities of exploration for, and exploitation of, the resources of the Area; the Area is defined as the seabed and ocean floor and the subsoil thereof, beyond the limits of national jurisdiction (article 1 (1) of the Convention); the resources of the Area are defined as all solid, liquid or gaseous mineral resources in situ in the Area at or beneath the seabed, including polymetallic nodules (article 133 of the Convention).

26. The powers and functions of the Authority shall be those expressly conferred upon it by the Convention; the Authority shall have such incidental powers, consistent with the Convention, as are implicit in and necessary for the exercise of those powers and functions with respect to activities in the Area (refer to article 152 (2) of the Convention and sect. 1, para. 1, of the annex to the Agreement).

Organs of the Authority

27. The early functions of the Authority upon entry into force of the Convention shall be carried out by the Assembly, the Council, the Secretariat, the Legal and Technical Commission and the Finance Committee (refer to sect. 1, para. 4, of the annex to the Agreement). The functions of the Economic Planning Commission, another organ established in accordance with article 163 (1) of the Convention, shall be performed by the Legal and Technical Commission until such time as the Council decides otherwise or until the approval of the first plan of work for exploitation (refer to sect. 1, para. 1, of the annex to the Agreement). The 36-member Council of the Authority is the executive organ of the Authority. The 15-member Legal and Technical Commission and Finance Committee are akin to advisory expert bodies.

28. The Enterprise is the organ through which the Authority shall carry out activities in the Area directly, as well as the transporting, processing and marketing of minerals recovered from the Area (refer to articles 158 (2) and 170 (1) of the Convention). The Secretariat of the Authority shall perform the functions of the Enterprise until it begins to operate independently of the Secretariat of the Authority (refer to sect. 2, para. 1, of the annex to the Agreement).

29. The Secretariat of the Authority shall comprise a Secretary-General and such staff as the Authority may require (refer to article 166 (1) of the Convention). The Secretary-General of the Authority shall be the chief administrative officer of the Authority, and shall act in that capacity in all meetings of the Assembly, of the Council and of any subsidiary organ, and shall perform such other administrative functions as are entrusted to the Secretary-General by these organs (article 166 (3) of the Convention). The staff of the Authority shall consist of such qualified scientific and technical and other personnel as may be required to fulfil the administrative functions of the Authority (article 167 (1) of the Convention). The Secretary-General of the Authority shall be elected by the Assembly of the Authority from among the candidates proposed by the Council of the Authority, and the staff of the

secretariat of the Authority shall be appointed by the Secretary-General of the Authority (refer to articles 166 (2) and 167 (3) of the Convention).

Operations of the organs of the Authority

30. According to section 1, paragraph 2, of the annex to the Agreement, in order to minimize costs to States Parties, all organs and subsidiary bodies of the Authority shall be cost-effective; this principle shall also apply to the frequency, duration and scheduling of meetings. According to section 1, paragraph 3, of the annex to the Agreement, the setting up and the functioning of the organs and subsidiary bodies of the Authority shall be based on an evolutionary approach, taking into account the functional needs of the organs and subsidiary bodies concerned in order that they may discharge effectively their respective responsibilities at various stages of the development of activities in the Area.

31. The Assembly of the Authority shall meet in regular annual sessions and in such special sessions as may be decided by the Assembly of the Authority, or convened by the Secretary-General of the Authority at the request of the Council of the Authority, or of a majority of the members of the Authority (refer to article 159 (2) of the Convention). Sessions of the Assembly shall take place at the seat of the Authority, Jamaica (article 156 (4) of the Convention), unless otherwise decided by the Assembly of the Authority (refer to article 159 (3) of the Convention).

32. The Council of the Authority shall function at the seat of the Authority, and shall meet as often as the business of the Authority may require, but not less than three times a year (refer to article 161 (5) of the Convention). However, it may be recalled that, according to section 1, paragraph 17, of the annex to the Agreement, the relevant provisions of Part XI, section 4, of the Convention, which includes article 161 (5) referred to above, shall be interpreted and applied in accordance with the Agreement.

33. The Legal and Technical Commission shall normally function at the seat of the Authority and shall meet as often as is required for the efficient exercise of its functions (refer to article 163 (12) of the Convention).

34. There is no specification in the Convention or the Agreement as to the seat of functioning or the meetings of the Finance Committee. However, since the other organs function at the seat of the Authority, it is assumed that the Finance Committee shall normally meet at the same location and as often as is required for the efficient exercise of its functions (see also LOS/PCN/WP.45/Rev.2, entitled "The Finance Committee").

Functions of the Authority

35. The functions of the Authority are linked with the stages of the development of activities in the Area. The Preparatory Commission recently convened a meeting of the Group of Experts which it had established in 1987 to review the state of deep seabed mining and make an assessment of the time when commercial production might be expected to commence. Their conclusions, inter alia, were that it was certain that commercial deep seabed mining would

not take place during the remainder of the current decade (up to the year 2000), and that it was also unlikely that commercial deep seabed mining would take place during the following decade (2001-2010) (see LOS/PCN/BUR/R.32, in particular, para. 57). Thus, the initial operations of the Authority and its Enterprise are expected to concentrate on areas relating to exploration; analysis and monitoring of developments; acquisition of scientific knowledge; elaboration of rules, regulations and procedures; approval of plans of work; and the initial functions of the Enterprise.

36. The functions that the Authority and its Enterprise would concentrate on between the entry into force of the Convention and approval of the first plan of work for exploitation, are specified in section 1, paragraph 5, and section 2, paragraph 1, respectively, of the annex to the Agreement.

37. For the Authority, the functions are:

(a) Processing of applications for approval of plans of work for exploration;

(b) Implementation of decisions of the Preparatory Commission relating to the registered pioneer investors and their certifying States, including their rights and obligations;

(c) Monitoring of compliance with plans of work for exploration approved in the form of contracts;

(d) Monitoring and review of trends and developments relating to deep seabed mining activities, including regular analysis of world metal market conditions and metal prices, trends and prospects;

(e) Study of the potential impact of mineral production from the Area on the economies of developing land-based producers of those minerals which are likely to be most seriously affected, with a view to minimizing their difficulties and assisting them in their economic adjustment, taking into account the work done in this regard by the Preparatory Commission;

(f) Adoption of rules, regulations and procedures necessary for the conduct of activities in the Area as they progress;

(g) Adoption of rules, regulations and procedures incorporating applicable standards for the protection and preservation of the marine environment;

(h) Promotion and encouragement of the conduct of marine scientific research with respect to activities in the Area and the collection and dissemination of the results of such research and analysis, when available, with particular emphasis on research related to the environmental impact of activities in the Area;

(i) Acquisition of scientific knowledge and monitoring of the development of marine technology relevant to activities in the Area, in particular technology relating to the protection and preservation of the marine environment;

(j) Assessment of available data relating to prospecting and exploration;

(k) Timely elaboration of rules, regulations and procedures for exploitation, including those relating to the protection and preservation of the marine environment.

38. For the Enterprise, the functions are:

(a) Monitoring and review of trends and developments relating to deep seabed mining activities, including regular analysis of world metal market conditions and metal prices, trends and prospects;

(b) Assessment of results of the conduct of marine scientific research with respect to activities in the Area, with particular emphasis on research related to the environmental impact of the activities in the Area;

(c) Assessment of available data relating to prospecting and exploration, including the criteria for such activities;

(d) Assessment of technological developments relevant to the activities in the Area, in particular technology relating to the protection and preservation of the marine environment;

(e) Evaluation of information and data relating to areas reserved for the Authority;

(f) Assessment of approaches to joint-venture operations;

(g) Collection of information on the availability of trained manpower;

(h) Study of managerial policy options for the administration of the Enterprise at different stages of its operations.

39. It should be recalled that, as mentioned in paragraph 28 above, according to section 2, paragraph 1, of the annex to the Agreement, the Secretariat of the Authority shall perform the functions of the Enterprise until it begins to operate independently of the Secretariat of the Authority.

III. THE START-UP PHASE AND THE FIRST FUNCTIONAL PHASE OF THE AUTHORITY

40. It is impractical for any new institution to commence working at the outset in its full functional capacity. Initially, a period of time is needed, inter alia, for organizing the institution, putting certain internal systems and procedures in place and recruiting personnel. This initial organizational phase constitutes the requisite start-up phase, and once completed, the first functional phase can be launched.

41. In the case of the Authority, much of the initial organizational work has to follow certain steps and procedures, in accordance with the Convention and the Agreement. For example, the Assembly of the Authority has to first meet;

then, it has to elect the members of the Council according to certain specified criteria; the Council has then to propose to the Assembly a list of candidates for the election of the Secretary-General of the Authority; the Assembly then proceeds to elect the Secretary-General, who then commences to appoint the staff of the Secretariat; and so on.

42. Bearing in mind a number of requisite steps and procedures, to be described more fully in part IV below, it is assumed that the start-up phase, i.e., the initial organizational phase, will require the period from 16 November 1994 to 31 December 1995. It follows, then, that the first functional phase will begin on 1 January 1996.

43. In the absence of any guidance regarding what could be considered the first financial period, the present paper provides budgetary estimates for the period 16 November 1994-31 December 1995 which is considered the start-up period, and also for calendar year 1996 which is considered the first full year of the functional phase.

IV. ADMINISTRATIVE EXPENSES OF THE AUTHORITY

A. Start-up period: 16 November 1994 to 31 December 1995

1. Work programme of the Authority during the period from 16 November 1994 to 31 December 1995

(a) Conference servicing

44. According to article 308 (3) of the Convention, the Assembly of the Authority shall meet on the date of entry into force of the Convention (i.e., 16 November 1994) and shall elect the Council of the Authority. At the present time, there is no formal and detailed specific guidance regarding the timing and duration of the first session of the Assembly of the Authority, and the timing of the election of the members of the Council. During its last session, the Preparatory Commission deliberated upon the matter of the first session of the Assembly of the Authority (see LOS/PCN/L.114/Rev.1, paras. 33-39). No conclusions were reached by the Preparatory Commission; it decided to continue consideration of the matter at its 1-12 August 1994 meeting.

45. However, based on the deliberations on the matter in the Preparatory Commission (see in particular LOS/PCN/L.114/Rev.1, paras. 35-36) and in the Secretary-General's consultations to which reference was made in the deliberations of the Preparatory Commission, it appears certain that:

- A ceremonial opening session of the Assembly of the Authority will be held on or about 16 November 1994;

- A first organizational/substantive session of the Assembly of the Authority will be held some time during the early part of 1995.

46. With respect to the agenda of the first session, the Preparatory Commission deliberated on the matter during its last session. The Preparatory Commission

decided to request the Secretariat to prepare for its 1-12 August 1994 meeting, on the basis of a proposal made by its Chairman and taking into account the views expressed during the consideration of the matter, the draft provisional agenda for the first session of the Assembly of the Authority (see LOS/PCN/L.114/Rev.1, paras. 23-25). Based on the document prepared in response to that request (LOS/PCN/139) the first session of the Assembly will deal, inter alia, with:

(a) Opening of the session by the temporary Chairman;

(b) Formal statements;

(c) Election of the President;

(d) Presentation of the final report of the Preparatory Commission;

(e) Adoption of the provisional rules of procedure;

(f) Appointment of the Credentials Committee;

(g) Election of Vice-Presidents;

(h) Election of the members of the Council. (It may be recalled that, according to article 161 (1) of the Convention and sect. 3, para. 15, of the annex to the Agreement, the 36 members of the Council shall be composed of members from five groups of States specified therein. Before electing the members of the Council, the Assembly shall establish lists of countries fulfilling the criteria for members in the various groups of States (refer to sect. 3, para. 9 (b), of the annex to the Agreement). Each group shall nominate only as many candidates as the number of seats required to be filled by that group (refer to sect. 3, para. 10, of the annex to the Agreement). It should also be added that certain groups of States shall be treated as chambers for the purpose of voting in the Council; and that if all efforts to reach a decision by consensus have been exhausted, decision-making by voting in the Council shall be based on a system of chamber voting (refer to sect. 3, paras. 5 and 9 (a), of the annex to the Agreement).);

(i) Election of the members of the Legal and Technical Commission (Candidates are to be nominated by the members of the Authority.);

(j) Election of the members of the Finance Committee. (Candidates are to be nominated by the members of the Authority.);

(k) Election of the Secretary-General (A list of candidates for the election of the Secretary-General is to be proposed to the Assembly by the Council.);

(l) Discussion on those sections of the final report of the Preparatory Commission which the Assembly may decide to consider;

(m) Consideration of the following subjects:

(i) The rights and obligations of pioneer investors arising from resolution II and the decisions of the Preparatory Commission taken pursuant to it;

(ii) The transfer of the property and records of the Preparatory Commission to the Authority;

(iii) The organization of the Secretariat of the Authority (The staff of the Secretariat of the Authority is to be appointed by the Secretary-General of the Authority.);

(iv) The provisional budget and financial organization of the Authority (As mentioned in paragraph 12 above, there are certain procedures and steps invclved in the adoption of the budget of the Authority.);

(v) The follow-up of the training programmes;

(n) Consideration of the date of the second session of the Assembly;

(o) Consideration of other items.

47. Following the election of the members of the Council, of the Legal and Technical Commission and of the Finance Committee, these organs may also wish to hold meetings. During its last session, the Preparatory Commission requested the secretariat to prepare the draft provisional agenda for the first session of the Council of the Authority also (see LOS/PCN/L.114/Rev.1, para. 25). Based on the document prepared in response to that request (LOS/PCN/140), the first session of the Council will deal, inter alia, with:

(a) Opening of the session by the temporary Chairman;

(b) Election of the President;

(c) Election of the Vice-Presidents;

(d) Adoption of the rules of procedure;

(e) Drawing up of a list of candidates to be proposed to the Assembly for the election of the Secretary-General;

(f) Implementation of decisions of the Preparatory Commission relating to the registered pioneer investors and their certifying States, including their rights and obligations;

(g) Adoption of rules, regulations and procedures incorporating applicable standards for the protection and preservation of the marine environment;

(h) Consideration of applications for approval of a plan of work for exploration, if any, in accordance with the Agreement.

48. Without prejudice to the decisions that the Assembly of the Authority may take, it is estimated that to accomplish the work described above, a meeting

time of approximately 5 1/2 weeks would be required: (a) 1/2 week for a ceremonial opening session (16-18 November 1994) which would be devoted to formal statements only; (b) 3 weeks for an organizational/substantive session (6-24 February 1995), which would deal with: election of the President, adoption of rules of procedure, appointment of the Credentials Committee, election of Vice-Presidents, election of the members of the Council, of the Legal and Technical Commission and of the Finance Committee, election of the Secretary-General, adoption of the draft Agreement between the Authority and the Government of Jamaica regarding the Headquarters of the Authority and of the draft Protocol on the Privileges and Immunities of the Authority, discussion of the final report of the Preparatory Commission, consideration of the rights and obligations of pioneer investors arising from resolution II and the decisions of the Preparatory Commission pursuant to it, of the transfer of property and records of the Preparatory Commission to the Authority, and of the follow-up of the training programmes; (c) 2 weeks for a resumed session which would deal with: the substantive and administrative work programmes of the Authority and its secretariat, the budget of the Authority for 1996, the adoption of the draft agreement concerning the relationship between the United Nations and the Authority and the adoption of the rules, regulations and procedures for the internal administration and financial management of the Authority.

49. As to the timing of the resumed session, consideration should be given to the fact that the Secretary-General of the Authority, to be elected in February 1995, would have to prepare (with assistance from the staff to be appointed by him/her after February 1995) a plan for a medium-term period, at a minimum, outlining the strategy and course of action for the Authority, including substantive and administrative work programmes and the budget for 1996 as well as rules, regulations and procedures for the internal administration and financial management of the Authority. Some time would be required in completing these tasks before the relevant documents could be submitted to the Assembly of the Authority for its consideration. For this reason, it is assumed that the resumed session would be held from 7 to 18 August 1995 in Kingston. 4/

(b) Secretariat of the Authority

50. The above requirements for the initial work to be accomplished point to very important considerations regarding related work during the start-up period which has to be completed by the Secretariat of the Authority in order for the first functional phase to start in January 1996. During this period, in addition to servicing the intergovernmental and expert bodies, the Secretariat of the Authority has to put in place a system of budgeting and financial control including accounting and internal auditing, a system of financial administration including treasury/payroll matters, a system of personnel recruitment, administration and management and a system of general administration and management including purchases and procurement, transportation, printing and reproduction, and security matters. It also has to initiate and complete the process of recruitment and procurement so that the first functional phase can start in time. With regard to recruitment and procurement, it is to be noted that the adoption of rules, regulations and procedures concerning the internal administration and financial management of the Authority, including staff regulations and rules, as well as the activation of the requisite internal

systems are sine qua non for recruitment and procurement. Recruitment of qualified international staff also requires a certain length of time. Moreover, the Secretariat of the Authority has to initiate relationships with other international organizations.

2. Estimates of administrative expenses of the Authority for the period from 16 November 1994 to 31 December 1995

(a) Conference servicing

51. In accordance with paragraphs 48 and 49 above, the Assembly of the Authority would hold a ceremonial opening session for three days in November 1994, an organizational/substantive session for three weeks in February 1995 and a resumed session for two weeks in August 1995, all at Kingston. It is assumed that interpretation and translation services would be required in Arabic, Chinese, English, French, Russian and Spanish.

52. For the ceremonial opening session, it is assumed that the Assembly of the Authority would require interpretation and other meeting services for six meetings and that there would be three pre-session documents (50 pages), two in-session documents (10 pages) and three post-session documents (50 pages).

53. For the organizational/substantive session, it is assumed that the Assembly and the Council of the Authority would require interpretation and other meeting services for 50 meetings (the Assembly - 2 meetings on each of 15 working days; the Council - 2 meetings on each of 10 working days) and that there would be four pre-session documents (100 pages), four in-session documents (40 pages) and four post-session documents (100 pages).

54. For the resumed session, it is assumed that the Assembly of the Authority, the Council, the Legal and Technical Commission and the Finance Committee would require interpretation in the six languages of the Assembly of the Authority and other meeting services for 40 meetings (two of the four bodies holding 2 meetings on each of 10 working days) and that there would be three pre-session documents (80 pages), two in-session documents (30 pages) and three post-session documents (80 pages).

55. Based on the above assumptions, the full cost of conference servicing is estimated at $1,619,800.

(b) Secretariat of the Authority

(i) Staff costs

56. Staff costs would arise in respect of the Secretary-General of the Authority and such staff as the Authority may require. It is assumed that staff at the Professional level and above would be required to perform the substantive scientific and technical tasks and the administrative tasks, as well as the executive direction, management and supervisory tasks. It is also assumed that Local staff would be required to provide support to the staff at the Professional level and above - both substantive and administrative - and

assistance in various matters. Local staff would include personal assistants, data/information/library assistants, research assistants, secretaries, receptionists, security officers, manual workers, drivers and so on.

57. It is assumed that after his/her election in February 1995, the Secretary-General of the Authority would initiate the organizational phase of the Secretariat of the Authority with a small nucleus of staff. For carrying out the tasks in the initial organizational phase, it is assumed that at the very initial stage, the small nucleus would consist of an Executive Officer (P-5), a Finance Officer (P-3), a Personnel Officer (P-2) and a Data/Information Specialist (P-2), as well as support staff, including one personal assistant, two secretaries, three administrative assistants, two information/library assistants, one receptionist, two security officers, one manual worker and one driver. It is assumed that the above staff would enter on duty in March 1995.

58. By July 1995, a Deputy to the Secretary-General of the Authority, at the D-1 level, who would also be the Interim Director-General of the Enterprise, would be on board. It may be recalled that, according to section 2, paragraph 1, of the annex to the Agreement, the Secretary-General of the Authority shall appoint an interim Director-General of the Enterprise to oversee the performance of the functions of the Enterprise, which would be carried out by the Secretariat of the Authority until the Enterprise begins to operate independently of the Secretariat of the Authority. An additional four local General Service staff (one secretary, two research assistants, one administrative assistant) would also be on board by July 1995.

59. Initially, pending the adoption by the Authority of rules, regulations and procedures concerning the financial management and internal administration of the Authority, including staff regulations and rules, it is assumed that the Secretary-General of the Authority would wish to apply provisionally the relevant rules, regulations and procedures of the United Nations. It is assumed therefore that staff would be recruited and employed under the terms and conditions applicable to the United Nations with service limited to the Authority, and that staff would be remunerated according to the common system of the United Nations system of organizations, administered by the International Civil Service Commission. It is assumed that staff at the Professional level and above would be recruited internationally to work at Kingston and staff at the General Service level would be recruited locally in Jamaica.

60. The above-mentioned staff would also constitute the core of the overall staffing required for the first functional phase, which would start in January 1996. (See section B below for the overall staff required for the first functional phase.)

61. Under the above assumptions, the estimated cost of staffing until the end of 1995 would be:

Staff costs	$785 600

(ii) Travel

62. Provision would have to be made for meeting travel requirements of personnel from the Office of General Services (security officers, sound engineers) and from the substantive departments to service the sessions of the Assembly of the Authority. Based on the budgetary experience of servicing the sessions of the Preparatory Commission at Kingston, the following estimate is made:

Travel to attend meetings	$131 800

63. Requirements for travel on official business would arise for the Secretary-General of the Authority, his/her Deputy and the Executive Officer in relation to arrangements to be made during the organizational phase, especially with the United Nations, as well as consultations with other organizations in the United Nations system whose work is related to that of the Authority. Travel requirements may also arise in connection with the preparation of the plan, programme of work and budget, and rules, regulations and procedures for the financial management and internal administration of the Authority, as well as putting the various administrative systems in place, and recruitment. The following estimate is made:

Other official travel	$20 000

(iii) Contractual services

64. Requirements for contractual services would arise in relation to external printing and binding of publications, such as a brochure on the new institution. It is estimated as follows:

External printing and binding	$5 000

(iv) General operating expenses

65. It is assumed that office premises and facilities as well as conference facilities at Kingston would be rented for the purpose of the Authority. 5/ Based on the budgetary experience of the Kingston Office for the Law of the Sea, it is estimated as follows:

Rental and maintenance of premises (includes utilities)	$311 700

66. It is also assumed that some furniture and equipment, including data-processing equipment, would be rented initially. Based on the budgetary experience of the Kingston Office for the Law of the Sea, it is estimated as follows:

Rental and maintenance of furniture and equipment	$81 500

67. Local transportation requirements would arise in connection with the servicing of the sessions of the Assembly of the Authority. Based on the budgetary experience of servicing the sessions of the Preparatory Commission, it is estimated as follows:

Local transportation	$23 800

68. Both for the Secretariat of the Authority and in relation to servicing the sessions of the Assembly of the Authority, communication requirements would arise, especially with United Nations Headquarters and regarding the organizational work of the Secretariat of the Authority and meeting arrangements. Based on the budgetary experience of the Kingston Office for the Law of the Sea and the servicing of the sessions of the Preparatory Commission, the following estimate is made:

Communications	$15 300

69. Requirements for official functions would arise, especially for a newly functioning institution. Based on the budgetary experience of the Kingston Office for the Law of the Sea, it is estimated as follows:

Official functions	$4 600

70. Freight requirements would arise in relation to shipment of documents and equipment for the sessions of the Assembly of the Authority as well as of publications and reference materials from United Nations Headquarters. Based on the budgetary experience of servicing the sessions of the Preparatory Commission, the following estimate is made:

Freight	$38 300

(v) Supplies and materials

71. Requirements would arise for stationery and other office supplies and library books and journals for the Authority's library and reference collection. Based on the budgetary experience of the Kingston Office for the Law of the Sea, the following estimate is made:

Supplies and materials	$16 000

(vi) Furniture and equipment

72. At the outset, as the institution commences functioning, certain office equipment and furniture would need to be purchased rather than rented. Possible items falling under this category include electronic data processing equipment, usual furniture for the offices, transportation equipment and so forth. Keeping the requirements up to December 1995 at a minimum level, the following estimate is made:

Acquisition of furniture and equipment	$32 000

(vii) Public information

73. Provision of media coverage, including media liaison, preparation of press releases, in both English and French, and audio and video coverage as well as the preparation of a press kit for the ceremonial opening session of the Assembly of the Authority, would require expenditures to meet production costs, including travel costs of Press Officers and related personnel for meeting coverage, as well as expenditures for translation, design and printing of related material. The following estimate is made:

Public information	$124 100

(c) Estimates of administrative expenses of the Authority for the period from 16 November 1994 to 31 December 1995

74. In summary, administrative expenses of the Authority for the period from 16 November 1994 to 31 December 1995 would be in the amount of $3,209,500, as summarized below:

		$	$
A.	Conference servicing		1 619 800
B.	Secretariat of the Authority (based on the following assumptions):		1 589 700
	Staff costs	785 600	
	Travel on official business	151 800	
	Contractual services	5 000	
	General operating expenses	475 200	
	Supplies and materials	16 000	
	Furniture and equipment	32 000	
	Public information	124 100	
	Total		3 209 500

B. First functional phase of the Authority: calendar year 1996

1. Work programme for 1996

75. It is expected that as the Assembly and the Council of the Authority as well as the Legal and Technical Commission and the Finance Committee carry out their deliberations during the start-up period, and as the Secretariat of the Authority gains experience in completing its start-up organizational work and in obtaining a clearer idea about what is to be done in the first year of its full functional phase, especially in its work in connection with the preparation of the budget for 1996, a detailed and clearly specified work programme of the

Authority for 1996 would emerge. At this time, in the absence of any detailed and specific guidelines, a work programme of the Authority is formulated below, on a very tentative basis, purely for indicative purposes, in order to obtain an idea about the requirements for the administrative expenses of the Authority in 1996. It is to be added that such a work programme is formulated without prejudice to the decisions of the Assembly, the Council, the Legal and Technical Commission and the Finance Committee as well as those of the Secretary-General of the Authority. This tentative work programme, necessarily of a somewhat general nature, is based on the functions of the Authority and its Enterprise, as laid down in paragraphs 37 and 38 above, as well as on the exchange of ideas with key participants in the Preparatory Commission and in the Secretary-General's consultations.

(a) Conference servicing

76. The assumptions about the work programme with regard to conference servicing of the four organs of the Authority are summarized below.

Work programme with regard to conference servicing of the Authority during 1996

Organ	Number of sessions	Duration of sessions	Number of meetings each working day	Number of official languages	Pages of documentation
Assembly	1	3 weeks	2	6	300
Council	1	3 weeks	2	6	400
Legal and Technical Commission	1	3 weeks	2	1	300
Finance Committee	1	3 weeks	2	1	200

(b) Secretariat of the Authority

77. First it is assumed that an appropriate structure for the Secretariat of the Authority, for the accomplishment of the specified functions, would require four main functional divisions, as follows:

(a) Research and Planning Division;

(b) Monitoring and Compliance Division;

(c) Regulatory Division;

(d) Division for Administration.

78. The allocation of the functions of the Authority and its Enterprise, as laid down in paragraphs 37 and 38 above, among the four divisions is summarized in table 1 of the annex to the present paper.

79. The work to be carried out by the four divisions as well as the Office of the Secretary-General of the Authority in 1996, i.e., the first functional phase, can at this time only be projected on a tentative basis and in a general manner. Such an attempt is made below.

Work programme of the Research and Planning Division in 1996

- Designing and initiating internal procedures and systems for the purpose of promoting and encouraging the conduct of marine scientific research and collecting and disseminating the results of marine scientific research and analysis with respect to activities in the Area;

- Initiating contacts with governmental agencies and oceanographic institutes active in marine scientific research;

- Designing and initiating internal procedures and a system for the purpose of monitoring the developments with regard to the marine environment;

- Initiating contacts with governmental agencies, intergovernmental and international organizations and non-governmental and academic and research organizations active in the field of marine environment;

- Designing and initiating internal procedures and an appropriate system for the purpose of monitoring and reviewing trends and developments relating to deep seabed mining activities and keeping abreast of world market conditions and metal prices, trends and prospects, as well as of developments in the economies of developing land-based producers of minerals that may be extracted from polymetallic nodules;

- Reviewing the existing database on data relating to the prospecting and exploration of polymetallic nodules, assessing the needs for further development of a data and information system and initiating the work for formulating criteria for the purpose of assessing available data.

Work programme of the Monitoring and Compliance Division

- Assisting the Legal and Technical Commission, the Council and the Assembly in processing applications for approval of plans of work for exploration, if any;

- Assisting those bodies in the implementation of decisions of the Preparatory Commission relating to the registered pioneer investors and their certifying States, including their rights and obligations, and carrying out related administrative work;

- Assisting those bodies in monitoring compliance with plans of work for exploration approved in the forms of contracts, and carrying out related administrative work, including preparation of contracts, and designing and executing procedures for monitoring compliance.

Work programme of the Regulatory Division

- Assisting the Finance Committee, the Legal and Technical Commission, the Council and the Assembly in the adoption of the rules, regulations and procedures for the exploration of polymetallic nodules, and carrying out related administrative work, including preparation of background papers, working papers and draft rules, regulations and procedures;

- Collation, harmonization and elaboration, if necessary, of all relevant rules, regulations and procedures for the functioning of the Authority;

- Elaboration, if necessary, of rules, regulations and procedures concerning the administrative and financial management of the Authority.

Work programme of the Division for Administration

- General administration, including secretarial services, security services, building management, purchases and procurement, transportation, printing and reproduction, etc.;

- Financial administration, including treasury/payroll matters;

- Budgeting and financial control, including budget preparation, accounting, internal auditing, etc.;

- Personnel administration, including training, performance evaluation, determination of benefits and entitlements, etc.

Work programme of the Office of the Secretary-General

- Providing executive direction and management of the work of the Secretariat;

- Making arrangements for the substantive servicing and conference servicing of the meetings of the Assembly, the Council, the Legal and Technical Commission and the Finance Committee;

- Maintaining external relations, including relationship with the host country and international organizations;

- Preparing, if necessary, relationship agreements with international organizations;

- Providing public information services, including publicizing the work of the new institution and responding to queries about the institution and its work;

- Preparing a strategy for the development of the work of the Enterprise.

2. Estimates of administrative expenses of the Authority for 1996

(a) Conference servicing

80. Based on the assumptions set out in paragraph 76 above, the full cost of conference servicing in 1996 is estimated at $1,775,800.

(b) Secretariat of the Authority

(i) Staff costs

81. It can be deduced easily that the specified functions of the Authority and its Enterprise and the above work programme would warrant that disciplines required for the substantive staff of the Secretariat of the Authority would be those relating to marine geology, marine ecology, marine engineering, computer science, corporate planning, economics, management and law.

82. Given the above work programme of the various divisions of the Secretariat of the Authority in 1996, as laid down in paragraph 79 above, table 1 of the annex to the present paper summarizes the assumptions about staff in the four divisions of the Secretariat of the Authority and the work that would be performed within each division in relation to the functions of the Authority and its Enterprise, as laid down in paragraphs 37 and 38 above. Table 2 in the annex to the present paper summarizes the assumptions about the assignments of staff of the Secretariat of the Authority in relation to these functions of the Authority and its Enterprise. In all, it is assumed that in the first functional phase starting in January 1996, the Secretariat of the Authority would require 20 posts at the Professional level and above (1 ASG, 1 D-1, 4 P-5, 3 P-4, 5 P-3 and 6 P-2/P-1 posts) and 30 General Service (Local level) posts. Taking into account the overall staff requirement as from January 1996 and the core staff that should already have been recruited in 1995, table 3 in the annex to the present paper shows the anticipated phasing for the staff to be on board.

83. It should be reiterated that the estimates of the staffing requirements are the same as in the document LOS/PCN/WP.51. In the assessment of the Secretariat, this staff would be required to implement the work programme, as set out in paragraph 86 above; furthermore, since no formal guidelines were provided by the Preparatory Commission, the Advisory Committee on Administrative and Budgetary Questions or the Fifth Committee, the Secretariat had no other recourse than to rely on document LOS/PCN/WP.51 ("Administrative arrangements, structure and financial implications of the International Seabed Authority"). However, it should be noted that staff costs constitute the largest component of the administrative expenses of the Authority and that the size of the work force

is also a determinant of other costs of the Secretariat of the Authority. The Preparatory Commission may wish to review in a thorough fashion the work programme and the staffing requirements that the work programme gives rise to.

(ii) Staff-related costs

84. Once the number and the level of staff have been estimated, a basis is obtained for estimating the cost of items which are in some way related to staff costs, such as consultants, expert groups, overtime and travel. In the present paper costs for these items are estimated on the basis of the budgetary experience of organizational units of the United Nations which have a comparable level and number of staff, as well as that of the Kingston Office for the Law of the Sea, bearing in mind the special requirements of a newly functioning institution.

85. Consultants and ad hoc experts. A number of tasks may be of a discrete nature, which make them amenable to be performed by short-term external consultants or by a group of ad hoc experts, rather than requiring the longer-term services of a Professional staff on board. In order to achieve maximum cost-effectiveness, effective utilization of the services of consultants and ad hoc experts as a supplementary means of accomplishing the requisite tasks should be kept in mind. In the present paper provision has been made for consultants and meetings of expert groups at an increased level in relation to a comparable unit.

(iii) General operating expenses

86. The size and structure of the workforce of an institution also help determine the general operating expenses of the institution, including printing, rental and maintenance of furniture and equipment, communications, hospitality, provision of miscellaneous services, supplies and materials including library books and supplies, data-processing supplies, etc. In the present paper estimates of costs for these items have been based on the budgetary experience of comparable units of the United Nations as well as that of the Kingston Office for the Law of the Sea, bearing in mind the special requirements of a newly functioning institution.

87. Furniture and equipment. A newly functioning institution may need to purchase certain office equipment and furniture. Possible items falling under this category include electronic data-processing equipment, usual furniture for the offices, etc. In the present paper, a very rough estimate of such purchases is presented as $130,000.

(c) Estimates of administrative expenses of the Authority for 1996

88. The administrative expenses of the Authority in 1996 are estimated at $5,800,000, as summarized below:

Administrative expenses of the Authority for 1996

(provisional estimates)

Object of expenditure	Expenses (In United States dollars)	
(a) Conference servicing		1 775 800
(b) Secretariat:		
Staff costs	2 941 900	
Consultants	65 700	
Ad hoc expert groups	88 000	
Travel on official business	110 400	
External printing and binding	50 000	
Rental of premises	440 200	
Rental and maintenance of furniture and equipment	160 000	
Local transportation	20 000	
Communications	39 100	
Hospitality	10 900	
Miscellaneous services	24 000	
Supplies and materials	34 000	
Purchase of furniture and equipment	130 000	
Subtotal		4 024 200
Total		5 800 000

V. INCOME OF THE AUTHORITY

89. The Convention, in articles 171 and 173, specifies that during the initial period, i.e., until the Authority has sufficient funds from other sources to meet its administrative expenses, the administrative expenses of the Authority shall be met by assessed contributions made by members of the Authority in accordance with an agreed scale of assessment. The Agreement, in section 1, paragraph 14, of its annex, adds that contributions of members of the Authority would include those from any members on a provisional basis. The scale will be based upon the scale used for the regular budget of the United Nations (refer to articles 171 (a) and 160 (2) (e) of the Convention).

Interim arrangements

90. However, as has been mentioned earlier, according to section 1, paragraph 14, of the annex to the Agreement, until the end of the year following the year during which the Agreement enters into force, the administrative expenses of the Authority shall be met through the budget of the United Nations. Thereafter, the provisions mentioned in paragraph 89 above would apply.

91. As explained in the statement of the Secretary-General (A/C.5/48/80) on the programme budget implications of draft resolution A/48/L.60, the administrative expenses of the Authority until the end of 1995 within the current biennial budget cycle, would be met through certain arrangements under the programme budget of the United Nations for the biennium 1994-1995.

92. It is also added in the above statement that, if the Agreement does not enter into force in 1994, but does so in 1995 or 1996 or 1997 or 1998, the administrative expenses of the Authority for 1996 and relevant subsequent years would have to be met from the budget of the United Nations.

VI. INTERIM ARRANGEMENTS FOR MEETING ADMINISTRATIVE EXPENSES OF THE AUTHORITY FROM THE REGULAR BUDGET OF THE UNITED NATIONS

A. Start-up period: 16 November 1994 to 31 December 1995

93. On adoption of draft resolution L.60, the earliest the Agreement can enter into force is in 1994, and thus until the end of 1995 the administrative expenses of the Authority shall be met through the regular budget of the United Nations. In part IV, section A, of the present paper, estimates have been provided for the requirements for the administrative expenses of the Authority until the end of 1995. The Secretary-General has made proposals for meeting these expenses through the programme budget of the United Nations for the biennium 1994-1995.

1. Potential for absorption of the administrative expenses of the Authority for the period from 16 November 1994 to 31 December 1995 from the approved regular budget of the United Nations for the biennium 1994-1995

(a) Conference servicing

94. The estimates of conference-servicing costs ($1,619,800) are based on the theoretical assumption that no part of the conference-servicing costs requirements would be met from within the permanent conference-servicing capacity under section 25E of the programme budget of the United Nations for the biennium 1994-1995, and that additional resources would be required for temporary assistance for meetings. The extent to which the Organization's permanent capacity needs to be supplemented by temporary assistance resources can be determined only in the light of the calendar of conferences for the biennium 1994-1995. As indicated in paragraph 25E.6 of the programme budget, however, the level of resources for temporary assistance for meetings in 1994

and 1995 was estimated on the basis of previous experience to accommodate not only meetings known at the time of the budget preparation but also meetings that would be authorized subsequently, provided that the number and distribution of meetings and conferences in the biennium 1994-1995 are consistent with the pattern of meetings in past years. On that basis, it is estimated that conference-servicing costs ($1,619,800) can be absorbed under section 25E of the programme budget for the biennium 1994-1995.

(b) Secretariat of the Authority

95. Provision was made in the programme budget of the United Nations for the biennium 1994-1995 for activities at the Kingston Office for the Law of the Sea related to the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea. In this connection, it is assumed that the Secretary-General of the Authority will take over the office premises, furniture and equipment, supplies and materials of the Kingston Office for the Law of the Sea and that all necessary disbursements of that Office would have already been made by 28 February 1995. It is also assumed that while both the Professional (1 P-5, 1 P-3 and 2 P-2/1) and General Service (13 Local level) posts at Kingston would be abolished, incumbent staff of that office would be employed by the Secretary-General of the Authority from 1 March 1995.

96. With the assumption that the need for servicing the Preparatory Commission would not arise in 1995 (it is to be noted that, according to paragraph 13 of resolution I of the Third United Nations Conference on the Law of the Sea, the Preparatory Commission shall remain in existence until the conclusion of the first session of the Assembly of the Authority) and also the assumption that the need to operate the Kingston Office for the Law of the Sea would not arise in 1995 with the cessation of the Preparatory Commission, an amount of $1,149,900 appropriated under section 7 of the programme budget of the United Nations for the biennium 1994-1995 would no longer be required and would be surrendered. This amount breaks down as follows:

	$
Established posts	339 400
Temporary assistance for meetings	4 900
Overtime	300
Common staff costs	189 900
Travel of representatives	8 500
Travel of staff to meetings	136 700
Rental and maintenance of premises	325 800
Rental and maintenance of furniture and equipment	68 400
Local transportation	13 000
Communications	11 200
Official functions	3 000
Freight	12 800
Miscellaneous services	2 300
Supplies and materials	11 700
Acquisition of furniture and equipment	22 000
Total	1 149 900

/...

2. Indication of additional requirements to meet the administrative expenses of the Authority for the period from 16 November 1994 to 31 December 1995

97. On the basis of the assumptions described above, the estimated amount of $1,589,700 required for the costs of the Secretariat of the Authority would be offset by a reduction in the amount of $1,149,900 under section 7 of the programme budget of the United Nations for the biennium 1994-1995, leaving a net additional requirement of $439,800.

98. In the statement of the Secretary-General (A/C.5/48/L.80) on the programme budget implications of draft resolution A/48/L.60, the Secretary-General proposed that an additional appropriation of $1,589,700 be made under a new and separate section, section 32, of the programme budget of the United Nations for the biennium 1994-1995, to be partially offset by a reduction of $1,149,900 under section 7 of the programme budget, leaving the need for a net additional appropriation of $439,800.

99. As mentioned in part I above, the Fifth Committee, after consideration of the report of the Advisory Committee on Administrative and Budgetary Questions (A/48/7/Add.16), forwarded the above estimates to the General Assembly to be considered in its meetings of the resumed forty-eighth session on agenda item 36, entitled "Law of the sea", to be held from 27 to 29 July 1994.

B. First functional phase: calendar year 1996

100. In part V, section B, of the present paper, estimates have been provided for the administrative expenses of the Authority for calendar year 1996. In case the Agreement does not come into force in 1994, and does so in 1995, these estimates can also provide the basis for estimating the additional requirements under the programme budget of the United Nations. It is important, however, to bear in mind that from 1996 onward the Preparatory Commission-related costs (both conference servicing and secretariat costs) would no longer be incurred. It is the intention of the Secretary-General of the United Nations to transmit to the General Assembly on an annual basis the budget of the Authority as agreed by the Assembly of the Authority. It is therefore the view of the Secretary-General that such expenses should be treated outside the procedures related to the outline of the biennial programme budget of the United Nations and to the contingency fund.

C. Calendar years 1997-1999

101. A similar exercise can be carried out in case the Agreement does not enter into force by 1995, but does so in 1996, 1997 or 1998. Purely for an indicative purpose, estimates of requirements are provided below.

102. It should be noted that the total of the column entitled "Estimated requirements for the administrative expenses of the Authority", i.e., $25,438,500, was included in the report of the Advisory Committee on Administrative and Budgetary Questions in which it was referred to as the

"maximum amount that might be paid by the United Nations until the end of 1999, assuming that the Agreement does not enter into force until 16 November 1998 (A/48/7/Add.16, para. 6)". The Fifth Committee, in its decision on the matter referred to in paragraph 21 above, also included the same figure and referred to it as "the maximum requirements for the United Nations regular budget for the period 1994-1999 (A/C.5/48/L.74, para. (a))".

Projected requirements for the administrative expenses of Authority for the period 1994-1999 under the programme budget of the United Nations

If the Agreement comes into force by the end of:	Administrative expenses of the Authority to be met through the budget of the United Nations until the end of:	Estimated requirements for the administrative expenses of the Authority 1/ (Thousands of United States dollars)		
		Conference servicing	Secretariat	Total
1994	1995	1 619.8	1 589.7	439.8
1995	1996	1 775.8	4 024.2	5 800.0
1996	1997	1 864.6	4 225.4	6 090.0
1997	1998	1 957.8	4 436.7	6 394.5
1998	1999	2 055.7	4 658.5	6 714.2

1/ For 1997, 1998 and 1999, assumes the same level of real resources as for 1996 and allows for 5.0 per cent annual inflation.

Notes

1/ See "Law of the sea: consultations of the Secretary-General on outstanding issues relating to the deep seabed mining provisions of the United Nations Convention on the Law of the Sea" (A/48/950).

2/ General Assembly resolution 48/28 of 9 December 1993.

3/ A/48/L.60.

It is worth noting that, under the terms of operative paragraph 4 of the draft resolution, the General Assembly would

Affirm that the Agreement shall be interpreted and applied together with Part XI as a single instrument.

Further, under the terms of operative paragraph 13 of the draft resolution, the General Assembly would

Call upon the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea to take into account the terms of the Agreement when drawing up its final report.

4/ It was recently indicated by the Office of Conference Services that the period 19-30 June 1995 could also be considered for this purpose.

5/ It is to be noted that during the consideration of the final draft agreement between the International Seabed Authority and the Government of Jamaica regarding the Headquarters of the International Seabed Authority (LOS/PCN/WP.47/Rev.2) consultations were held with the representatives of the Government of Jamaica with regard to the terms and conditions of the use and occupation by the Authority of office and conference premises. No indications were made about rent-free occupancy. The provisions at this time are as follows: article 2, paragraph 2, of the draft agreement states: "Jamaica grants to the Authority and the Authority accepts from Jamaica, for the permanent use and occupation by the Authority, the area as defined in the annex to this Agreement and such other facilities on such terms and conditions as specified in supplementary agreements"; the annex, which has only one provision, states that "the area referred to in article 2, paragraph 2, of this Agreement consists of the land bounded by ... [sic]"; there are no supplementary agreements.

ANNEX

Table 1. Anticipated allocation of functions and staff among the four divisions of the Secretariat of the Authority during the first functional phase, starting in 1996

Office of the Secretary-General

Secretary-General
Deputy to the Secretary-General
(Interim Director-General, Enterprise)

1 ASG
1 D-1
3 GS
- Chief Administrative Officer
- External relations (Relationship with host country and international organizations)
- Legal services
- Public information
- Overseeing the performance of the functions of the Enterprise
- Corporate planning, Managerial policy

Research and Planning 1 P-5 3 P-4 2 P-3 1 P-2 7 GS					Monitoring and Compliance 1 P-5 1 P-2 4 GS			Regulatory Division 1 P-5 1 P-2 3 GS			Administration 1 P-5 3 P-3 3 P-2 13 GS		
Marine scientific research Acquisition of scientific knowledge and marine technology Marine environment	Trends and developments in deep seabed mining World market conditions and metal prices, trends and prospects Impacts on land-based producers	Assessment of data relating to prospecting and exploration Collection of information on manpower	Joint ventures assessment	Data and information system Library	Processing of applications for plans of work	Monitoring of compliance with plans of work	Implementation of decisions of Preparatory Commission	Mining regulations (exploration)	Administrative and financial regulations	Elaboration of fiscal regime	General administration: Secretarial services Security services Building management Purchases and procurement Transportation Printing and reproduction	Financial administration: Treasury/ payroll matters Collections Investments Budget and financial control: Budget preparation Assessments/ contributions Accounting Internal auditing	Personnel administration Recruitment Training

Table 2. Estimated assignment and functions of staff of the Secretariat of the Authority during the first functional phase starting in 1996

Functions	Number and level of posts
Chief administrative officer (Secretary-General)	1 ASG
External relations Legal services Public information Enterprise Corporate planning Managerial policy (Deputy to the Secretary-General) (Interim Director-General, Enterprise)	1 D-1
Substantive functions: Professional category	
Processing of applications for approval of plans of work for exploration	1 P-5 1 P-2
Implementation of decisions of the Preparatory Commission relating to the registered pioneer investors and their certifying States	
Monitoring of compliance with plans of work for exploration	
Monitoring and review of trends and developments relating to deep seabed mining, world metal market, metal prices, trends, prospects	1 P-5 1 P-4 1 P-3 1 P-2
Study of the potential impact of deep seabed mining on developing land-based producers	
Assessment of available data relating to prospecting and exploration	
Joint venture assessment	
Collection of information on manpower (also related to the Enterprise)	

Functions	Number and level of posts
Marine scientific research	P-4
	P-3
Acquisition of scientific knowledge and marine technology	
Marine environment (also related to the Enterprise)	
Adoption of rules, regulations and procedures for conduct of activities in Area	P-5
	P-2
Administrative and financial regulations and elaboration of fiscal regime	
Data and information system development and management	P-4
Library services development and management (also related to the Enterprise)	

Administrative functions: Professional category

Executive Officer (Chief of Administration, Finance and Personnel)	1 P-5
Administration	1 P-3
	1 P-2
Finance	1 P-3
	1 P-2
Personnel	1 P-3
	1 P-2

Functions	Number and level of posts
Support functions: General Service category	
Research assistants/Data and information assistants	14 GS
Secretaries	10 GS
Receptionists	1 GS
Security officers	2 GS
Manual worker	1 GS
Driver	1 GS
Messenger	1 GS

Post requirements

ASG	D-1	P-5	P-4	P-3	P-2	Total Professional and above	Total General Service	Grand total
1	1	4	3	5	6	20	30	50

Table 3. Proposed deployment of projected personnel

(March 1995 to January 1996)

Category/Level	Proposed/ projected 94-95, 96-97	Months										
		95 Mar	95 Apr	95 May	95 Jun	95 Jul	95 Aug	95 Sep	95 Oct	95 Nov	95 Dec	96 Jan
Professional category and above												
ASG	1	1	1	1	1	1	1	1	1	1	1	1
D-1	1					1	1	1	1	1	1	1
P-5	4	1	1	1	1	1	1	1	1	1	1	4
P-4	3											3
P-3	5	1	1	1	1	1	1	1	1	1	1	5
P-2	6	2	2	2	2	2	2	2	2	2	2	6
Subtotal	20	5	5	5	5	6	6	6	6	6	6	20
Other categories												
Local level	30	13	13	13	17	17	17	17	17	17	17	30
Grand total	50	18	18	18	18	23	23	23	23	23	23	50